BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 4340

LEE DOLLINS

18729 Romar Northridge, CA 91324

Registered Pharmacist License No. RPH 23505

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 15, 2014.

It is so ORDERED on January 10, 2014.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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STAN C. WEISSER Board President

1 2 3 4 5 6 7	KAMALA D. HARRIS Attorney General of California ARMANDO ZAMBRANO Supervising Deputy Attorney General MATTHEW A. KING Deputy Attorney General State Bar No. 265691 300 S. Spring St., Ste. 1702 Los Angeles, CA 90013 Telephone: (213) 897-7446 Facsimile: (213) 897-2804 matthew.king@doj.ca.gov Attorneys for Complainant	
8 9 10	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11	In the Matter of the Accusation Against:	Case No. 4340
12	LEE S. DOLLINS	STIPULATED SURRENDER OF
13	Registered Pharmacist License No.	LICENSE AND ORDER
14	RPH 23505	[Gov. Code, § 11415.60.]
15	Respondent.	
16	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this	
17	proceeding that the following matters are true:	
18	PARTIES	
19	1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.	
20	She brought this action solely in her official capacity and is represented in this matter by Kamala	
21	D. Harris, Attorney General of the State of California, by Matthew A. King, Deputy Attorney	
22	General.	
23	2. Lee S. Dollins ("Respondent") is representing himself in this proceeding and has	
24	chosen not to exercise his right to be represented by counsel.	
25	3. On August 10, 1964, the Board of Pharmacy issued Registered Pharmacist License	
26	Number RPH 23505 to Respondent. The Registered Pharmacist License was in full force and	
27	effect at all times relevant to the charges brought herein and will expire on April 30, 2014 unless	
28	it is renewed.	
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JURISDICTION

4. Accusation Number 4340 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 8, 2013. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in the Accusation. Respondent also has carefully read this Stipulated Surrender of License and Order and understands its effects.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in the Accusation, agrees that cause exists for discipline and hereby surrenders his Registered Pharmacist License for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his license without further process.

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CONTINGENCY

- 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, then the Stipulated Surrender of License and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that electronic or facsimile copies of this Stipulated Surrender of License and Order, including electronic or facsimile signatures thereto, shall have the same force and effect as an original.
- 12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments whether written or oral. This Stipulated Surrender of License and Order may not be modified except by a writing executed by an authorized representative of each of the parties.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Pharmacist License Number RPH 23505, issued to Respondent Lee S. Dollins, is surrendered and accepted by the Board of Pharmacy.

- 1. The surrender of Respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy. Respondent shall report this surrender as a disciplinary action.
- 2. Respondent shall lose all rights and privileges as a Registered Pharmacist in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 4. Respondent shall not apply for any license, permit, or registration from the Board for three years from the effective date of this decision.
- 5. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, including but not limited to certification by a nationally recognized body prior to issuance of a new license. All of the charges and allegations contained in Accusation Number 4340 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.
- 6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$4,046 prior to issuance of a new or reinstated license.

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ACCEPTANCE I have carefully read the Stipulated Surrender of License and Order. I understand the 2 stipulation and the effect it will have on my Registered Pharmacist License. I enter into this 3 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to 4 5 be bound by the Decision and Order of the Board of Pharmacy. 6 Sip 6, 2013 7 8 Respondent 9 **ENDORSEMENT** 10 I respectfully submit the foregoing Stipulated Surrender of License and Order for 11 consideration by the Board of Pharmacy. 12 13 Sept. 12, 2013 Dated: Kamala D. Harris Attorney General of California 14 ARMANDO ZAMBRANO Supervising Deputy Attorney General 15 16 MATTHEW A. KING 17 Deputy Attorney General Attorneys for Complainant 18 19 20 21 22 23 24 25 26

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Exhibit A

Accusation No. 4340

1	KAMALA D. HARRIS Attorney General of California		
3	ARMANDO ZAMBRANO Supervising Deputy Attorney General MATTHEW A. KING		
4	Deputy Attorney General State Bar No. 265691		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
6	Telephone: (213) 897-7446 Facsimile: (213) 897-2804		
7	E-mail: matthew.king@doj.ca.gov		
8	Attorneys for Complainant BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against: Case No. 4340		
13	LEE S. DOLLINS 18729 Romar Northridge, CA 91324-1334 A C C U S A T I O N		
14	Registered Pharmacist License No. RPH 23505		
16	Respondent.		
17	Complainant alleges:		
PARTIES 19 1. Virginia K. Herold ("Complainant") brings this Accusation solely in her official			
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23	RPH 23505 to Lee S. Dollins ("Respondent"). The Registered Pharmacist License was in full		
24	force and effect at all times relevant to the charges brought herein and will expire on April 30,		
25	2014, unless it is renewed.		
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ACCUSATION (CASE NO. 4340)

JURISDICTION

- 2. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.
 - 3. Section 4300 of the Code states, in relevant part:
 - "(a) Every license issued may be suspended or revoked.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

STATUTORY PROVISIONS

4. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

Unprofessional conduct shall include, but is not limited to, any of the following:

- (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
- (j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.
- (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by

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the board or by any other state or federal regulatory agency.

- Actions or conduct that would have warranted denial of a license." (p)
- Section 4306 of the Code states:

"It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act, or any regulations duly adopted under those laws."

- 6. Section 4307 of the Code states, in relevant part:
- "(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, or partner had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:
- (a)(1)Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.
- (a)(2)Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.
- Manager, administrator, owner, member, officer, director, associate, or partner," as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in that capacity in or for a licensee.
- The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption,

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as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law."

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1770 states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

8. Section 125.3 of the Code provides, in relevant part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUG CLASSIFICATIONS

- 9. Effexor, a trade name for venlafaxine hydrochloride, is indicated for the treatment of depression. Effexor is defined as a dangerous drug by Code section 4022.
- 10. Ambien, a trade name for zolpidem tartrate, is a non-benzodiazepine hypnotic drug indicated for treatment of insomnia. Ambien is defined as a dangerous drug by Code section 4022 and is classified as a schedule IV controlled substance under Health and Safety Code section 1308.14.

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FIRST CAUSE FOR DISCIPLINE

(Dishonest Acts)

11. Respondent is subject to disciplinary action under Code section 4301, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional conduct in that Respondent committed a dishonest and deceitful act, which is substantially related to the qualifications, functions, and duties of a registered pharmacist. On or about December 7, 2011, Respondent entered Kaiser Permanente Outpatient Pharmacy, located at 2200 East Gonzales Road in Oxnard, California through an employee entrance. After socializing with his former coworkers, Respondent rounded the dispensing area, placed three bottles of medication into his pockets, and attempted to leave the pharmacy. The pharmacist-in-charge detained Respondent and recovered the medication. The bottles separately contained Effexor 50mg, Effexor 100mg, and Ambien 5mg.

SECOND CAUSE FOR DISCIPLINE

(Violate Laws Regulating Controlled Substances and Dangerous Drugs)

12. Respondent is subject to disciplinary action under Code section 4301, subdivision (j), in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional conduct in that Respondent violated laws regulating controlled substances and dangerous drugs. Complainant refers to and, by this reference, incorporates the allegations set forth in paragraph 11, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Violate Provision of Chapter 9 of the Pharmacy Law)

13. Respondent is subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional conduct in that Respondent violated a provision of Chapter 9 of the Pharmacy Law. Complainant refers to and, by this reference, incorporates the allegations set forth in paragraphs 11–12, inclusive, as though set forth fully.

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FOURTH CAUSE FOR DISCIPLINE

(Conduct Warranting Denial of Licensure)

14. Respondent is subject to disciplinary action under Code section 4301, subdivision (p), in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional conduct in that Respondent committed acts, which would warrant denial of licensure. Complainant refers to and, by this reference, incorporates the allegations set forth in paragraphs 11-13 and 15-16, inclusive, as though set forth fully.

FIFTH CAUSE FOR DISCIPLINE

(Violate Provision of Article 19 of the Pharmacy Law)

Respondent is subject to disciplinary action under Code section 4306, in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional conduct in that Respondent violated a provision of Article 19 of the Pharmacy Law and regulations duly adopted thereunder. Complainant refers to and, by this reference, incorporates the allegations set forth in paragraphs 11-14, inclusive, as though set forth fully.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

16. Respondent is subject to disciplinary action under Code section 4301, in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional conduct. Complainant refers to and, by this reference, incorporates the allegations set forth in paragraphs 11-15, inclusive, as though set forth fully.

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WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Revoking or suspending Registered Pharmacist License Number RPH 23505, issued to Lee S. Dollins;
- 2. Ordering Lee S. Dollins to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 3. Prohibiting Lee S. Dollins from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee, pursuant to Business and Professions Code section 4307;
 - 4. Taking such other and further action as deemed necessary and proper.

VIRGINIA K. HERC

Executive Officer
Board of Pharmacy
State of California
Complainant

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